

## Session 118 - (2009-2010)

**H\*3442 (Rat #0159, Act #0146 of 2010) General Bill, By Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E.H. Pitts, G.M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D.C. Smith, J.R. Smith, Rice, T.R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J.M. Neal and M.A. Pitts**

**Summary:** Department of Workforce

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL AND PROVIDE FOR ITS COMPOSITION AND A METHOD OF SCREENING AND ELECTING MEMBERS AND A CHAIRMAN, TO PROVIDE A PARTY ONLY MAY APPEAL FROM A DECISION OF THE WORKFORCE DEPARTMENT TO THE PANEL, AND TO REQUIRE A QUORUM OF THE PANEL TO CONDUCT A HEARING OR DECIDE AN APPEAL; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF WORKFORCE TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE CHAPTERS 27 THROUGH 41 OF TITLE 41 ARE ADMINISTERED BY THE DEPARTMENT, AND TO DELETE OTHER LANGUAGE IN THE SECTION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR, TO PROVIDE THE DIRECTOR SERVES COTERMINOUS TO THE GOVERNOR AND MAYBE REMOVED BY THE GOVERNOR, AND TO PROVIDE THE DIRECTOR SHALL RECEIVE CERTAIN COMPENSATION; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYMENT GRIEVANCE PROCEDURE, SO AS TO EXEMPT THE EXECUTIVE DIRECTOR, ASSISTANT DIRECTORS, AND AREA DIRECTORS OF THE DEPARTMENT OF WORKFORCE FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE; BY ADDING SECTION 41-27-650 SO AS TO PROVIDE THE DEPARTMENT MUST WORK IN CONJUNCTION WITH THE DEPARTMENT OF COMMERCE ON CERTAIN MATTERS AND IN CONJUNCTION WITH THE STATE BUDGET AND CONTROL BOARD ON CERTAIN MATTERS; TO AMEND SECTION 41-33-45, RELATING TO CERTAIN ANNUAL REPORTS REQUIRED OF THE DEPARTMENT, SO AS TO REQUIRE THE DEPARTMENT ANNUALLY MUST REPORT TO THE GENERAL ASSEMBLY, THE REVIEW COMMITTEE, AND THE GOVERNOR THE AMOUNT IN THE UNEMPLOYMENT TRUST FUND AND MAKE AN ASSESSMENT OF ITS FUNDING LEVEL, AND TO SPECIFY CERTAIN REQUIREMENTS OF THE REPORT; TO AMEND SECTION 41-31-10, AS AMENDED, RELATING TO GENERAL RATES OF EMPLOYMENT CONTRIBUTION TO THE UNEMPLOYMENT TRUST FUND, SO AS TO PROVIDE AN EMPLOYER MAY PREPAY HIS REQUIRED CONTRIBUTION TO THIS FUND, AND TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS REGARDING THE METHODOLOGY FOR CALCULATING THESE PREPAYMENTS AND THE MANNER FOR CREDITING THESE PREPAYMENTS TO THE EMPLOYER'S ACCOUNT; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-29-40, 41-29-50, 41-29-70, 41-29-80, 41-29-110, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-30, 41-35-100, 41-35-115, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 41-29-120, AS AMENDED, RELATING TO EMPLOYMENT STABILIZATION, SO AS TO REQUIRE ADDITIONAL MEASURES; TO AMEND SECTION 41-29-250, RELATING TO PUBLICATION AND FURNISHING OF CERTAIN MATERIAL, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS; TO AMEND SECTION 41-35-110, AS AMENDED, RELATING TO CONDITIONS OF ELIGIBILITY FOR BENEFITS, SO AS TO MAKE A PERSON INELIGIBLE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 41-35-120, AS AMENDED, RELATING TO DISQUALIFICATION FOR BENEFITS FOR USE OF ILLEGAL DRUGS, SO AS TO PROVIDE THIS DISQUALIFICATION

MUST CONTINUE UNTIL CERTAIN CONDITIONS ARE SATISFIED; TO AMEND SECTION 41-35-720, RELATING TO THE CONDUCT OF APPEALED CLAIMS, SO AS TO PROVIDE THE DEPARTMENT MAY PROMULGATE REGULATIONS TO DETERMINE CERTAIN PROCEDURES; BY ADDING SECTION 41-35-760 SO AS TO PROVIDE THE DEPARTMENT MUST PROMULGATE CERTAIN REGULATIONS GOVERNING PROCEEDINGS AND OTHER CERTAIN MATTERS BEFORE THE DEPARTMENT, AND TO SPECIFY CERTAIN REQUIREMENTS FOR THESE REGULATIONS; BY ADDING SECTION 41-35-615 SO AS TO PROVIDE WHEN CERTAIN NOTICES GIVEN AN EMPLOYER MUST BE MADE BY UNITED STATES MAIL OR ELECTRONIC MAIL, AMONG OTHER THINGS; TO AMEND SECTION 41-27-590, RELATING TO THE PROSECUTION OF CERTAIN VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT MUST REFER CASES OF SIGNIFICANT CLAIMANT FRAUD OR SIGNIFICANT EMPLOYER FRAUD TO THE ATTORNEY GENERAL TO DETERMINE WHETHER PROSECUTION IS APPROPRIATE; BY ADDING ARTICLE 7 TO CHAPTER 13, TITLE 38 SO AS TO PROVIDE THE DEPARTMENT OF INSURANCE MUST CONDUCT CERTAIN EXAMINATIONS, INVESTIGATIONS, AND MAKE CERTAIN REPORTS RELATED TO THE UNEMPLOYMENT COMPENSATION FUND ADMINISTERED BY THE DEPARTMENT; BY ADDING ARTICLE 7 TO CHAPTER 27, TITLE 41 SO AS TO CREATE THE DEPARTMENT OF WORKFORCE REVIEW COMMITTEE, TO PROVIDE THE COMMITTEE'S COMPOSITION, DUTIES, POWERS, AND ENTITLEMENT TO EXPENSE REIMBURSEMENT; BY ADDING SECTION 41-29-35 SO AS TO PROVIDE FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR, THE MANNER OF HIS APPOINTMENT, AND QUALIFICATIONS FOR THE POSITION; BY ADDING SECTION 41-29-25 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE EXECUTIVE DIRECTOR MUST DISCHARGE HIS DUTIES, AMONG OTHER THINGS; TO REPEAL SECTION 41-29-30 RELATING TO THE APPOINTMENT OF A SECRETARY AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION, SECTION 41-29-60 RELATING TO THE ORGANIZATION OF THE COMMISSION AND ITS SEAL, SECTION 41-29-90 RELATING TO THE ADOPTION OF CERTAIN REGULATIONS BY THE COMMISSION RELATED TO THE APPOINTMENT, PROMOTION, AND DEMOTION OF COMMISSION EMPLOYEES, SECTION 41-29-100 RELATING TO THE DELEGATION OF POWERS GRANTED TO THE COMMISSION, SECTION 41-29-130, RELATING TO ADOPTION OF CERTAIN RULES AND REGULATIONS BY THE COMMISSION, AND SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES; AND TO FURTHER PROVIDE FOR THE IMPLEMENTATION OF THIS ACT. - ratified title

<b>02/04/09</b>	<b>House</b>	<b>Introduced and read first time HJ-14</b>
<b>02/04/09</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-16</b>
<b>02/05/09</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Rice</b>
<b>02/10/09</b>	<b>House</b>	<b>Member(s) request name added as sponsor: T.R.Young</b>
<b>02/17/09</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Horne</b>
<b>03/04/09</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-62</b>
<b>03/05/09</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Wylie</b>
<b>03/24/09</b>	<b>House</b>	<b>Requests for debate-Rep(s). Bingham, Sandifer, Harrison, Ott, Delleney, Jefferson, JE Smith, Vick, Hosey, Kennedy, Weeks, Lowe, Crawford, Daning, JH Neal, and Sellers HJ-35</b>
<b>03/26/09</b>	<b>House</b>	<b>Debate adjourned until Tuesday, March 31, 2009 HJ-30</b>
<b>03/31/09</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Bedingfield</b>
<b>03/31/09</b>	<b>House</b>	<b>Recommitted to Committee on Judiciary HJ-73</b>
<b>03/31/09</b>	<b>House</b>	<b>Roll call Yeas-61 Nays-49 HJ-83</b>
<b>04/01/09</b>	<b>House</b>	<b>Reconsidered HJ-86</b>
<b>04/01/09</b>	<b>House</b>	<b>Roll call Yeas-59 Nays-50 HJ-91</b>
<b>04/01/09</b>	<b>House</b>	<b>Debate adjourned until Tuesday, April 7, 2009 HJ-91</b>
<b>04/22/09</b>	<b>House</b>	<b>Debate adjourned HJ-74</b>
<b>04/29/09</b>	<b>House</b>	<b>Recommitted to Committee on Judiciary HJ-216</b>
<b>02/03/10</b>	<b>House</b>	<b>Recalled from Committee on Judiciary HJ-13</b>
<b>02/17/10</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Clemmons, Bales, Lucas, Neilson, Long, J.M.Neal, M.A.Pitts</b>
<b>02/17/10</b>	<b>House</b>	<b>Amended HJ-34</b>
<b>02/17/10</b>	<b>House</b>	<b>Read second time HJ-186</b>
<b>02/17/10</b>	<b>House</b>	<b>Roll call Yeas-108 Nays-1 HJ-186</b>
<b>02/18/10</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-43</b>
<b>02/23/10</b>	<b>Senate</b>	<b>Introduced and read first time SJ-10</b>
<b>02/23/10</b>	<b>Senate</b>	<b>Referred to Committee on Labor, Commerce and Industry SJ-10</b>

02/24/10	Senate	Recalled from Committee on Labor, Commerce and Industry
02/24/10	Senate	Read second time
02/25/10	Senate	Amended SJ-70
02/25/10	Senate	Read third time and returned to House with amendments SJ-70
03/03/10	House	Debate adjourned until Tuesday, March 9, 2010 HJ-25
03/09/10	House	Debate adjourned until Wednesday, March 10, 2010 HJ-28
03/10/10	House	Debate adjourned HJ-25
03/10/10	House	Senate amendment amended HJ-77
03/10/10	House	Returned to Senate with amendments HJ-77
03/16/10	Senate	Non-concurrence in House amendment SJ-39
03/23/10	House	House insists upon amendment and conference committee appointed Reps. Bingham, Sandifer and Battle HJ-21
03/24/10	Senate	Conference committee appointed Setzler, Rankin, and Ryberg SJ-17
03/25/10	House	Conference report received and adopted HJ-58
03/25/10	Senate	Conference report adopted SJ-169
03/25/10	Senate	Ordered enrolled for ratification SJ-256
03/25/10		Ratified R 159
03/30/10		Signed By Governor
04/12/10		Scrivener's error corrected
04/14/10		Effective date See Act for Effective Date
04/20/10		Act No. 146